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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1028 OF 2007
IN
APPEAL NO.518 OF 2001

Salim Yakub Kara Appellant
versus
The State of Maharashtra Respondent

Mr.K.M.Sangani for appellant.

Mr.Y.S.Shinde, APP for respondent.

CORAM : A.M.KHANWILKAR, J.

DATE : 11th September 2007

PC :

1. On the basis of same assertions an application was filed on the earlier occasion, being Criminal Application No.545 of 2007. However, when the said application was considered on 21st August 2007, counsel for the applicant merely pressed for one relief that the applicant be protected for some time to enable him to file an appeal before the Supreme Court. By way of indulgence that request was accepted as is noted in the said order. It is fairly accepted by the counsel for the applicant that the period granted

under order dated 21st August 2007 has expired on 4th September 2007. The present application, however, was filed on 4th September 2007 once again reiterating the same contentions which were raised in the earlier application. It is the registry of this Court who has circulated the application on its own. The advocate for the applicant did not think it proper to get it circulated before 4th September 2007.

2. Be that as it may, when the application is taken up for hearing today, the counsel for the applicant states that he would press only one argument that further time to file an appeal to the Supreme Court against the decision of this Court dated 20th December 2006, in Criminal Appeal No.518 of 2001, be granted. He prays for minimum one week's time to enable the applicant to do the needful. Even though I am not convinced with the explanation offered by the applicant for grant of further time as a last opportunity, the applicant can be granted one week's further time from today. As was made clear in the earlier order, it is once again reiterated that no further application at the instance of the applicant for extension of time will be entertained by this Court.

3. Counsel for the applicant had contended that the certified copy of the impugned decision is still not made available so far, as a result the applicant is unable to approach the Apex Court. This submission deserves to be stated to be rejected. It is not the case of the applicant that ordinary copy of the impugned decision is not made available. On the basis of ordinary copy of the impugned decision, it is open to the applicant to file an appeal in the Supreme Court if he so desires. Counsel for the applicant would then rely on the medical certificate at page 21 of the application to contend that the applicant is suffering from heart ailment. Similar stand was taken on the earlier occasion. Insofar as medical certificate appended as Exhibit-G to the application, the same does not indicate the date on which it has been issued by the Government Hospital. It is not possible to assume that the certificate is of recent time or that the applicant has been hospitalised at present. In any case, sufficient time was available to the applicant to carry the matter in appeal.

4. As mentioned earlier, by way of indulgence,

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one week’s further time is granted to the applicant. In other words, the applicant is granted one week’s time to surrender as prayed. The application is disposed of in the above terms.

(A.M.KHANWILKAR, J.)